

**PETITION TO SUBMIT EVIDENCE THAT THE OMITTED ITEM WAS  
DEPOSITED WITH THE USPTO WITH THE NONPROVISIONAL APPLICATION  
PAPERS**



In Re Application Of: David . H. Cook and Terry D. Hester

**RECEIVED**

Serial No.: 09/976,507

**MAY 09 2002**

Filing Date: 10/12/2001

**OFFICE OF PETITIONS**

Title: PERSONAL DIGITAL CONTENT SYSTEM

Dear Sir or Madam,

In the Notice of Omitted Items mailed on 02/06/2001 the USPTO states that page 2 of the specification appears to have been omitted from the application. The application was received by the USPTO and accorded a filing date of 10/12/2001.

Applicant hereby petitions to submit evidence that the allegedly omitted page 2 of the specification was in fact deposited in the US Patent and Trademark Office with the nonprovisional application papers on 10/12/2001.

The evidence submitted includes:

a) a copy of the return postcard as it was mailed with the nonprovisional application papers, which shows that 14 pages of specification, 7 pages of claims, 1 page of abstract and 9 pages of informal drawings were submitted to the USPTO.

Applicant did not receive the return postcard stamped by the USPTO. However, the enclosed is a true copy. Applicant can only speculate that the stamped return postcard was not received because of the 9/11 tragedy and the anthrax scare that followed it.

b) a copy of the Utility Application Transmittal (Small Entity), which shows on each of the four pages that 36 pages of the application were filed simultaneously. It is therefore apparent that page 2 of the application was included with the filing. Acknowledgement of this by the PTO and withdrawal of the notice is respectfully requested.

Payment of the Petition Fee under 37 CFR 1.17(h):  
The Commissioner is hereby authorized to charge Deposit Account No. 50-0385 in the amount of \$130.00. A duplicate copy of this petition is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No.: 50-0385.

Applicant herein includes a copy of page 2 of the application for the convenience of the Assistant Commissioner.

Respectfully submitted

A handwritten signature in black ink, appearing to read "James E. Eakin", written over a horizontal line.

James E. Eakin  
Reg. No.: 27,874

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